IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1088 OF 2007
IN
CRIMINAL APPEAL NO. 723 OF 1998

Balidas Dagduji Khaire ..Appellant
(Since deceased)
Vs.
The State of Maharashtra ..Respondent
And
Ganesh Balidas Khaire ..Applicant.

Mr. Aslam S. Shaikh for applicant.

Mr. P.A. Pol, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 31, 2007.

P.C.:

1. The applicant - Ganesh Balidas Khaire is the son of Balidas Dagduji Khaire who had filed Criminal Appeal No. 723 of 1998 against the order of conviction and sentence passed in Special Case No. 71 of 1990 by the learned Judge of the Special Court under the Prevention of Corruption Act, 1988 on 17/07/1998. The said appeal was admitted by this court on 18/09/1998 and the appellant Balidas was

released on bail, but on fresh bond.

2. The applicant has brought on record the death certificate dated 5/5/2006 issued by the Yeola Municipal Council, District Nashik which shows that the appellant - Balidas Dagduji Khaire died on 28/9/2001. The District Deputy Registrar, Co-operative Societies, Sindhudurg has also addressed a letter dated 29/12/2006 to the Section Officer in the office of the Lokayukta, Maharashtra State, in response to the representation received from the appellant's wife Smt. Lilabai. Hence this application praying for disposal of Criminal Appeal No. 723 of 1998 as abated. By amendment one more prayer has been added for leave to withdraw an amount of Rs.89,680/- which was payable to the appellant as per the order of conviction and sentence passed by the learned Special Judge and more particularly regarding the disposal of the Muddemal property.

3. Hence the application is allowed and Criminal

Appeal No. 723 of 1998 is hereby dismissed as abated on account of the death of the appellant - Balidas Dagduji Khaire on 28/9/2001. Smt. Lilabai the widow of the deceased-appellant is hereby allowed to withdraw the amount of Rs.89,680/- from the Special Court with interest, if any.

(B.H. Marlapalle,J.)